

# **Idaho Heating, Ventilation and Air Conditioning Board Meeting**

Thursday – December 4, 2003

Division of Building Safety – Meridian, Idaho

## **CALL TO ORDER**

Chairman Minegar called the meeting to order at 9:05 am on Thursday, December 4, 2003 at the Division of Building Safety, Meridian, Idaho.

## **PRESENT**

Board members present included Pat Minegar, Russ Firkins, Carol Alexander, Jim Bledsoe, Steve Brown, Steve Keys, and Mike Wisdom. Present from the Division of Building Safety were Dave Munroe, Administrator; Marsi Woody, Financial Officer; Ted Hogander, Plumbing Bureau Chief; Jack Rayne, Building Bureau Chief; Kay Manweiler, Deputy Attorney General; Ingo Stroup, Energy; and Shauna Wallace, Administrative Assistant and recording secretary.

Also present were Jerry Peterson, Building Trades; Floyd Reickert, SMWIA; Bruce Graham, Quality Heating; Ed Howland, BSU; Bruce Herold, Contractor; Collin Smith, SMW Local 66; Gaylord Coyle, Contractor; Brent Moore, SMW #60; Dwight Perkins, IAPMO; Mike Kelly, United Association of Plumbers and Pipe fitters; Maria Barratt, Governor's Office; Bob Corbell, IEC/HVAC Association; Toby Ashley, Ashley Heating; Paul Jensen, Building Board; and Leonard Coe, BLM.

## **INTRODUCTIONS**

Chairman Minegar welcomed everyone in the room and introduced new Board member Carol Alexander. Guests were reminded to sign in and asked to silence all electronic devices for the duration of the meeting. Guests were invited to speak or ask questions, and to state their names and whom they represent each time for the record. Meeting attendees introduced themselves and stated their affiliation.

## **APPRENTICESHIP PROGRAM DISCUSSION**

Bob Corbell gave a report on the availability of apprenticeship programs in the state. In order to qualify for the Bureau of Apprenticeship Training (BAT), the program needs to contain 144 academic hours per year under a 4-year program. After looking at the industry, Mr. Corbell was not sure that would be a necessity as the only time the requirement would apply is if the job was a public works job with special funding.

Boise State University (BSU) is prepared to start with a 2005 program. The cost would be at least \$500 per student, per year, plus the cost of books. Mr. Corbell is working with Clarke and Stone, which is a book manufacturer out of Spokane, Washington that deals in construction industry texts, including syllabuses.

Mr. Corbell said another issue the Board will need to take into consideration is how to handle areas outside of the Treasure Valley. After initial contact with College of Southern Idaho (CSI) and Idaho State University (ISU), it does not appear they would be able to support a program unless there were at least ten students per class. An online program is a possibility, which would provide an alternative to the people outside the Treasure Valley area. Steve Keys is currently working with the IEC toward an online program through one of the schools. Mr. Corbell pointed out some of the problems of an online program: the availability of computers and internet connections for possible students. Another consideration is whether the class should be administered to the individual or to a class.

Mr. Corbell said the cost of the electrical bureau's class at BSU is \$705 per year, plus the cost of books. The program cost for a third-year electrical apprentice is over \$900 per year including books.

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These are just some ideas of costs the Board can expect to see. In some cases employers will pay a portion or even all costs. In answer to a question from Chairman Minegar, Mr. Corbell said the costs of books are dependent upon the program, the syllabus, and whether or not the books are softbound.

Mr. Corbell went on to use the electrical program as an example. That program employs local journeymen to instruct two nights a week, two hours per night, plus two hours prep time at \$28 per hour. The electrical program is being taught in nine different schools. Mr. Keys said one of the biggest disadvantages is the inconsistency in the program throughout the state. He thinks that an online or correspondence course will be a necessity for an HVAC program due to the distribution of the state's population. While Mr. Corbell reported BAT requires 144 academic hours, Mr. Keys stated competency programs are preferred and that BAT is amenable to online delivery of coursework. A problem the electrical program has is when the industry gets tough economically, many employers are not very supportive of the apprentices. Mr. Keys also reported that there are really no requirements put on the employer in Idaho as far as supporting the apprentice.

Chairman Minegar asked Ed Howland what the practicality of developing an online program was. Mr. Howland told the Board about a survey done several years ago for the plumbing apprenticeship program. The survey was sent out to all the online correspondence students asking them if they had access to a computer, and if they did have access to a computer would they be willing to complete the program online. The majority of respondents did not have computer access and those that did have computer access did not want to complete the program online. The main reason cited was the vast amount of work they would have to do because the drawings are large and they would have to scroll to see them, which would make it difficult for them to maintain where they are in the coursework. At the time the survey was conducted many respondents were not very computer literate, which influenced their opinion on whether or not they would be willing to complete coursework online. Mr. Keys said one of the factors to consider with an online program is how it's administered. The online component of the electrical program is basically for communication, and submittal of homework and quizzes. The student uses the same materials they would use if they were in a classroom setting, including texts and drawings. The bandwidth required to deliver these materials (texts, drawings) is too extensive, and not even available in some of the outlying areas of the state. Mr. Corbell said there is also a pure correspondence course for the electrical coursework. One of the main users of that program is the prison system, which leaves the student with no on-the-job training. The workforce-training network in the state is willing to look into several options.

Carol Alexander asked how receptive Lewis Clark State College (LCSC), University of Idaho (U of I) and North Idaho College (NIC) were to administering a program. Mr. Corbell reported all have been receptive. CSI and NIC both have programs similar to the BSU program so it would only be an issue of marrying the currently available program with the needs and requirements of an apprentice program. Mr. Corbell went on to say NIC has a two-year program, but it doesn't cover HVAC completely. That program has more to do with sheet metal work and requires business courses. The program does not have any workforce requirements, which would be a problem.

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Mr. Corbell brought up another issue the Board may want to think about, which is how to handle people who are interested in a career change. These would be people who currently have day jobs and want to go to school at night, but can't get the necessary on-the-job training. They would end up finishing the four-year training, but would still be a level 1 apprentice due to the lack of on-the-job training. BSU has a two-year sheet metal program that covers much of the HVAC industry that could perhaps be combined with another program to fulfill requirements. Mr. Corbell said that due to the course requirements of the two-year BSU program, the apprentice would only have one-year's worth of courses required for an HVAC apprentice program. Jim Bledsoe said the first year of the BSU program is basically theory of refrigeration, heating and air conditioning, which would be good.

Chairman Minegar suggested the Board look at what they're trying to accomplish with an apprenticeship program. Main goals are viability, accessibility, affordability, two-year versus four-year program, and how much on-the-job credit will be allowed or given.

Bruce Graham noted that no one had mentioned the Inland Northwest HVAC Association and Training Center out of Spokane, Washington, which is an accredited school. They've offered training for quite a while and they have a master technician program. It doesn't deal a lot with the sheet metal side, but it's not all service. The program is broken up into categories, including gas fitter 1, gas fitter 2, oil, etc. The problem with the program is the classes and instructors are in Spokane, which makes it difficult to get to the classes. However, the curriculum might be a good way to administer a program. Mr. Corbell said a two-year program would produce someone with knowledge in a specialty area rather than a completely qualified HVAC journeyman.

Mr. Corbell said they don't see any way to start a program with all four years available. In order to get started there may need to be a schedule where the first year is made available in 2005; years one and two in 2006; years one, two and three in 2007; and all four years from 2008 on. One of the states Mr. Corbell looked at requires the student to first take a computer course on basic computer and internet operations, which can either be a correspondence course, a course at a place like ITT, or an on-site course where the instructor comes to the students.

Russ Firkins understood apprenticeship programs refer to on-the-job training. In other words, someone can go to school for a two or four-year degree and have a certificate that says that person is an HVAC journeyman with numerous endorsements, but Mr. Firkins thinks the philosophy in the trade of apprenticeship requires the on-the-job factor. Mr. Firkins said the Board needs to decide whether they will require the on-the-job training. He would like to see the HVAC industry present their program recommendations to the Board reflecting what they believe would best benefit their industry and the businesses they operate. It's a tremendous sacrifice for an apprentice to work eight hours a day and then go to school three hours that night, whether it be at their home or in a classroom. Mr. Firkins was concerned that a person might attend a two or four-year program and complete the program as a journeyman with no on-the-job training. Mr. Corbell pointed out that the intent was for an apprentice to attend a four-year program and finish the academic portion, but then complete the course as an apprentice and work as an apprentice until they have the required on-the-job hours to be a journeyman. The electrical program has the problem where students have to be employed apprentices and then after they've signed up for school they become unemployed; you don't drop them from school because the economy has slowed.

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Mr. Keys said one of the things happening in apprenticeship training is that employers are finding people that have been exposed to some of the training, maybe at a type of boot camp, or are given theory and checked their work ethic, these things are a real advantage if someone has a basic knowledge in the trade when they show up and want to go to work. That may be one advantage to allowing people to get some training prior to being employed in the industry.

Chairman Minegar reiterated that he thinks the industry could come to the Board with their recommendations as to what needs to be accomplished.

Jim Bledsoe pointed out when reading over the four levels that level one would pertain to an installer, but levels two through four pertain to a service technician. In the law it states that apprentices will not perform any work without the supervision of an HVAC journeyman or contractor. It will be very difficult to have an apprentice ride with a serviceman for four years. Employers won't want to hire apprentices. Mr. Bledsoe said he thinks the apprentice category needs to be broken down, maybe into multiple endorsements.

Mr. Corbell said the Board needs to determine the continuing education requirements. Again, the Board will also need to determine if online courses will be administered on an individual basis or as a class. If administered on an individual basis, will it be acceptable for someone to work a four-year class in two years and then complete the required on-the-job training hours?

Mr. Graham gave the example of Honeywell teaching a class from Minnesota over the internet. The class is given real-time and is interactive with students calling in questions over the phone. He thinks this would cut down on costs, as there would only be one instructor.

Mike Wisdom asked the union representatives in attendance how they train. Floyd Reickert said they have many of the same problems the Board is facing. Mr. Reickert said they have concentrated training in some areas and for remote training they send the instructor to the area. The program is a four-year program funded by employers. Each year instructors are sent to training to keep up with changes in the industry. A two year program might be adequate for residential only. Mr. Reickert said they would like to see standardized training across the state. In answer to a question from Mr. Firkins, Mr. Reickert said an unemployed person could still be an apprentice through the union program by paying \$15 per semester. Mike Kelly said the United Association of Plumbers and Pipe fitters has a five-year program where employers contribute to a training fund. If a trainee doesn't fulfill the minimum required on-the-job hours they don't go to school that year. Brent Moore said they are registered with the BAC and they have a selection procedure that is overseen by the BAC. The test that is part of the selection procedure is basically a math and reading test. Mr. Corbell pointed out that using the public school system would disallow entrance testing. Carol Alexander said there needs to be consistency both in the classroom and in the on-the-job training. There needs to be written documentation of what the expectations are. Mr. Corbell followed-up with the online program syllabus (and subsequent testing) providing consistency to the classroom portion of the training, but on-the-job training uniformity would be difficult to achieve. Mike Kelly said a once a month on-the-job evaluation is performed by the journeyman who works with the apprentice. Chairman Minegar asked if a questionnaire could be assembled requesting input from the unions regarding how many on-the-job training hours they would like to see required, how many hours correspondence, etc. Mr. Corbell said he thought that would be possible.

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While meeting with the schools Mr. Corbell is receiving some input on what their capabilities are. Mr. Corbell suggested going to the dealers with a syllabus showing what is available. He also said that those who work up north would rather work with the College of Northern Idaho rather than Spokane. Mr. Graham's concern is if the Board uses the colleges and the trainee goes to school full time that trainee wouldn't be able to get in the on-the-job training that should be required. Mr. Graham's other concern is there may not be enough instructors to teach throughout the state. Mr. Corbell pointed out that on-the-job training will be varied also due to location, i.e. people training in Treasure Valley won't have as much training in oil or propane as those training in some of the outlying areas. There is no perfect program.

Steve Keys thinks that rather than follow other industries, this Board and this industry should take a fresh approach. The Board should be able to break this industry, and the training, down into individual components, or competencies, within the trade. Various equipment manufacturers and vendors have their own training programs taught by instructors who are experts in what they teach, i.e., refrigeration and installation. Rather than reinvent the wheel, maybe the training programs are out there but not consolidated into one program. A basic program could be put together and then the state could evaluate the training programs available through individual manufacturers or suppliers and approve of those training programs for additional portions of required training. That would relieve the state of the task of developing that portion of the training. It would be recognized by the industry and updated as new products are made available. Mr. Keys pointed out that it could turn out to be very low cost for the apprentices as well. This would assist in covering some of the specialties and underlying endorsements also. Chairman Minegar gave an example of Lenox providing a year's worth of training and it also ties the employer back into the accountability of the training.

Jerry Peterson relayed his experience of recently completing his apprenticeship program. While he liked and can appreciate the on-line portion of the training, the reality is that the trainee has to have the hands-on experience working with real plans and specs and that takes a lot of one-on-one instruction. Employer buy-in is important and currently there aren't always people who support the apprenticeship programs.

Mr. Graham thinks working with manufacturers and suppliers is an excellent idea. The more specialized training sessions could be incorporated with a core program. This would also allow employers to determine which specialized training their apprentices receive. Chairman Minegar pointed out that manufacturers like Lenox are giving more generic classes, not just pertaining to their own products. Manufacturers want to elevate the industry. Mr. Bledsoe said there also needs to be training on safety.

Mr. Bledsoe pointed out that the Refrigeration Service Engineers Society's (RSES) training program is the same type of program being discussed (where the apprentice attends a weekly evening meeting and has a book they follow). They learn theory at their meetings and then go to work and apply it. The remote area problem would still exist with this type of training.

Steve Brown pointed out that travel for training is a hardship for those who live in the more remote areas of the state. He agreed that the Board should look into the manufacturer's programs and see how they can be used for the benefit of the industry. Mr. Brown was concerned with the computer literacy of trainees and the availability of computers in remote areas of the state. Mr. Graham suggested the online portion of the training could be administered through computers at the library or the business for those without their own computers.

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Mr. Corbell said perhaps the first year could be a background class for basic understanding and then use industry classes rather than a four-year college. Gaylord Coyle wanted to know if there was a schedule on what the Board wants in the way of training and at what level. Chairman Minegar suggested the Board needs to hear from the industry on what they want to have accomplished. Prior to choosing a program the Board needs that information and what it will take to accomplish. At that time the Board can choose a program that would best meet those needs.

Chairman Minegar ordered a 15-minute break. Chairman Minegar reconvened the meeting at 10:30 am.

LEGISLATION  
UPDATE

Chairman Minegar asked Kay Manweiler if she could give the Board an update of where the draft legislation is and on how well it's going. Ms. Manweiler incorporated specialty journeyman into the draft as a result of the last meeting. As a discussion point, she has circulated to the Board some different definitions of terms the Plumbing Board uses for their specialties. She eliminated the reference to the Electrical Board that had been accidentally left in the draft; re-incorporated the word mechanical when talking about mechanical inspectors; proceeded to replace references to licensing with certificates of competency. Ms. Manweiler told the Board they needed to decide what, how, or if they want to address the specialty journeyman license.

Jack Rayne refers to Section 54-5021(3) of the draft legislation where it states that all inspectors shall be certified as commercial mechanical inspectors or residential mechanical inspectors. Mr. Rayne recommends to the Board that they require both certifications because most cities and counties are staffed by only one or two people and if the Board allows the local inspector to be residential certified and not commercial certified the inspector may choose the shortest route and not further their certification to include commercial. While most of the inspections completed by city or county inspectors are residential, they will have commercial industrial jobs that will fall under their jurisdiction and the inspector won't turn it down because of the revenue it would provide. For the best-qualified inspector the Board may want to require both certifications. Chairman Minegar asked what kind of opposition Mr. Rayne thought they would get from the IDABO group. Mr. Rayne felt their concerns would be about code officials that would remain as the inspector for mechanical and building. A lot of them are not certified as residential or commercial. Many of them are either certified all the way or not certified at all. Steve Brown supports Mr. Rayne's suggestion for requiring both residential and commercial certification. Carol Alexander agreed also.

Russ Firkins moved to change the word "or" to "and" in Section 54-5021(3) to read, "All inspectors shall be certified as commercial mechanical inspectors and residential mechanical inspectors." Seconded. Passed.

Ms. Manweiler wondered then if the word "mechanical" needed to be removed from the same section. Mr. Firkins stated it should be left in to keep from being interpreted as applying to other types of inspectors, i.e., plumbing and electrical. Ms. Alexander suggested that the word "mechanical" be added as the second word in Section 54-5021(3), to read, "All mechanical inspectors shall be certified as commercial mechanical inspectors and residential mechanical inspectors." Chairman Minegar said that was a good catch. Board consensus was to add the word. Someone else suggested adding "mechanical" to Section 54-5021(4), but there was no further discussion.

Dwight Perkins informed the Board under the plumbing and mechanical certifications that IAPMO administers, when the plumbing inspector certifications and mechanical inspectors certifications tests are passed, they are certified, not as residential or as commercial, but as mechanical inspectors. Mr. Perkins just wanted to confirm that by making mechanical inspectors required to be certified both commercial and residential that it won't limit IAPMO's ability to test and certify inspectors in the state's employ. Chairman Minegar said he didn't think so. Mr. Brown confirmed that IAPMO's test does cover commercial and residential. Ms. Alexander pointed out that this is something that could be addressed in the administrative rules.

Mr. Graham asked the Board if his understanding that inspectors only have to pass the test and don't have to have any credentials in the trade or any on-the-job training as mechanical inspectors was correct. Chairman Minegar confirmed that is correct. Mr. Corbell said it was his understanding that many inspectors are currently operating without certification.

Chairman Minegar asked Mr. Corbell if he had any concerns regarding the latest draft legislation. Chairman Minegar reported the Board received an e-mail from the counties that they are not in favor of the Board looking at county options and also not in favor of the Board having authority over which codes are adopted. Chairman Minegar said the Board would be looking to Mr. Corbell to tell the Board what they can and can't do. Mr. Corbell said they would go with whatever the Board wants and let the chips fall where they may.

Ms. Manweiler pointed out that the way the legislation is currently drafted it would give the board the authority for code adoption and enforcement no matter what other divisions of law say. Mr. Corbell suggested moving forward with the legislation giving the Board authority to adopt the code of their choice. He reported that Rep. Gagner is drafting legislation to enforce the International Codes for everyone. Some legislators will oppose it because there is almost a 50/50 split in people using the Uniform Mechanical Code versus people using the International Mechanical Code.

Mr. Brown says IDABO is against using the Uniform Mechanical Code. Mr. Corbell said IDABO is against it because the plumbers are in support of it. Most of the mechanical contractors are in support of the Uniform Mechanical Code so there's going to be a hassle no matter how it's done.

Chairman Minegar asked Paul Jensen if he wanted to speak to the subject. Mr. Jensen said it is tremendously difficult for the industry to get on one code. While he doesn't have a personal preference which board adopts the code they should at least be using the same code. He asked the Board to also keep in mind that the Building Code Board had to make a compromise between the three available codes so they chose the lowest common denominator in an effort to avoid making the users of the other codes illegal in an instant. Mr. Jensen also told the Board that it's from there that they started with the new code and that's why there are some anomalies.

Mr. Rayne said as far as cities and counties adopting code, many have adopted the Uniform Mechanical Code, but that's the Uniform Mechanical Code that was published by ICBO in 1997. Mr. Rayne said there may be one or two jurisdictions that have adopted the IAPMO version of the mechanical code, but he's not aware of any city or county that has formally adopted the current IAPMO mechanical code. There would be a learning curve for the jurisdictions that switch to another code. There's also a learning curve every three years as the codes are changed.

Mr. Corbell said the hassle isn't with which code, it's with who has the authority to adopt the code. Most of what he's run into across the state is that the contractor's are concerned they'll have no input and they're the ones that are going to go out and actually do the installations. The Board needs to take the input from the industry and come up with a code the same way the Electrical Board does when selecting their code. Mr. Rayne thinks Division of Building Safety is open minded to either code. They've looked at both and there are certain advantages to either code to be considered. He just wanted to let the Board know that the opposition is going to come from some of the cities and counties out there that are part of the IDABO organization, part of the NICE organization, part of the SYBME inspectors group out of Jerome, part of the Snake River Chapter of Building Code Officials out of Idaho Falls. As Mr. Jensen said, a family of codes would be ideal and they would go with the International Code because it's set up to be used with the other family of international codes that we use – the International Residential Code, International Building Code and International Energy Code. Mr. Rayne also said it would stand to reason that having another international code for mechanical and gas codes would dovetail in with the already adopted codes and be more user friendly. If a code other than the international is adopted there would have to be some amendments made. Mr. Brown said the International Code is good with the I codes, but the Uniform Mechanical Code meshes better with the plumbing code.

Chairman Minegar said he wanted to make sure everyone was comfortable with the legislation and that the Board is going forward with it as it is.

Dwight Perkins said he wasn't going to debate which code is better and as Mr. Rayne said, the 1997 Uniform Mechanical Code as published and promulgated by ICBO is the one the state adopted and a lot of jurisdictions are using that. His only comment regarding the International Mechanical Code as it's written today and the Uniform Mechanical Code as they publish and promulgate is why a debate is needed in an open forum. He believes once the code books are laid out next to each other the Board will find that the Uniform Mechanical Code is more closely written to the 97 version of the ICBO code than is the 2000 International Mechanical Code to the old code. Mr. Perkins believes the debate needs to be brought out with the code books in a subcommittee of experts, those involved in the industry. He asks to be given the opportunity to show the Board the differences and why the Uniform Mechanical Code is better. In Mr. Perkins' opinion this Board should be able to have the authority to adopt a mechanical code they decide is the right one for their industry. It makes sense to him that where the other boards adopt their own codes, why shouldn't the HVAC Board adopt its own code?

Mr. Brown said that through communications with IDABO and some of the organizations he deals with he believes they will stand hard on the new International Code. Mr. Graham believes no matter which code the Board chooses, it will be very important that the Board hold onto control of the code so that the mechanical contractors have a Board to approach if there is a problem going on within the state and so the Board can make amendments to that code. Chairman Minegar said he thinks that the Building Code Board has commented that at this point, no matter what happens, that they feel this board should have the right to amend any code, but the big difference is between the words amend and adopt.



## SPECIALTY LICENSING

Chairman Minegar said the reason specialty was added to the draft legislation was to mainly address the hearth industry. Since the beginning there has been a lot of discussion regarding what areas should fall under specialty. Mr. Bledsoe thinks one of the things that needs to be discussed is refrigeration. Will it be included and if so it needs to be a specialty so they don't have to go through full HVAC training when all they will deal with is refrigeration. Mr. Bledsoe also stated that other specialties the Board needs to look at are the hearth group, sheet metal, and spas (with heaters). These would require gas piping/gas fitters specialty licenses. Chairman Minegar said he didn't think the Board wanted to be inspecting refrigeration systems at dairies. Mr. Bledsoe wanted to know if the refrigeration would include supermarket systems. Chairman Minegar said he felt that if refrigeration is the only thing they do then they could use a specialty category.

Ms. Manweiler pointed out that in terms of the draft legislation proposal it only allows the Board to issue a specialty contractor license. The Board needs to decide whether or not they want to have the authority to issue a specialty apprentice certificate of competency and a specialty journeyman certificate of competency. Ms. Manweiler said the existing statute would give the Board the authority to adopt rules to establish the requirements for the various classifications and it was her belief they would probably give the Board the authority to have specialties within the specialty category. Ms. Manweiler reminded the Board that a few weeks ago they wanted the specialty journeyman and specialty apprentice certificates of competency, but those are two categories of competency that the Board does not technically have the authority to issue. For today's purposes, the Board needs to decide whether or not there is a need for the ability to issue the specialty certificates of competency. If the Board does want that authority then Section 54-5009 needs to be amended.

Mr. Brown pointed out that if someone is working on refrigeration they are required to have a CFC license and there are different classes of those, so the Board must determine whether or not they really want to get into that issue further. Mr. Keys suggested the Board add the authority to license specialty journeyman and specialty trainee, as opposed to an apprentice, to segregate the training requirements for a trainee versus an apprentice. Basically in the electrical bureau the specialty trainee just has to register and there is no formal education requirement at that point. Chairman Minegar confirmed with Mr. Keys that the specialty trainee would be inspected under the code. Chairman Minegar said the real question is which industries does the Board want to inspect under its code. Mr. Keys said he thinks that's for another day. First thing needed is the legislative authority to establish the specialties and then establish whichever categories are appropriate by rule. Mr. Bledsoe thinks that is an excellent idea. Steve Keys moved that the statute be rewritten to allow for specialty journeyman and specialty trainee. Seconded. Passed.

## CONTINUING EDUCATION

Chairman Minegar asked Mr. Corbell if he'd had an opportunity to look into continuing education. Mr. Corbell said he thought that could be accomplished without legislation. Ms. Manweiler didn't necessarily agree. If the Board wants to require continuing education as criteria for renewal it would be better to have it in the statute. Mr. Brown thinks it should be criteria for renewal. According to Mr. Firkins the electrical bureau has continuing education requirements for journeymen and the plumbing bureau does not have any continuing education requirements for journeymen or contractors at this time. Mr. Keys suggested tabling the subject until a later date.

## TASK FORCE ON COUNTY OPTION

Dave Munroe distributed a map of the state exhibiting the results of a survey administered by the building bureau requesting information from cities and counties regarding their inspection procedures and requirements (attached). Chairman Minegar said the original thought on the task force was that the Board members would try and get some response from the different areas. Mr. Rayne suspects the primary reason some jurisdictions didn't respond to the survey was they didn't have any certified building inspectors to qualify their program as legitimate under the state statute. Association of Cities said they would try to get information from the cities that had not yet responded to the survey. At this point no additional information has been provided.

Mr. Rayne said the survey is valid and represents the cities and counties the building bureau is aware of that have adopted mechanical codes, whether or not they used certified inspectors. The green portion of the map shows jurisdictions using either the 2000 International Mechanical Code or the 1997 Uniform Mechanical Code, using certified mechanical inspectors. The yellow portion of the map shows jurisdictions using either the 2000 International Mechanical Code or the 1997 Uniform Mechanical Code, enforcement without using certified mechanical inspectors. Pink areas of the map show those jurisdictions with no enforcement; however, upon action of legislation to require statewide enforcement these jurisdictions have enough construction activity that they're likely going to have to contract out their inspections to their neighboring jurisdictions that do have certified mechanical inspectors. That's usually what happens when you set up a statewide program. In the past there have been jurisdictions that have not had code, but they have a lot of construction activity and as they start negotiating out who's going to perform their inspections they usually check with the neighboring jurisdictions first. The pink area on the map will probably be contacted by their neighboring cities and counties (yellow or green) offering to contract as the mechanical inspector for that jurisdiction.

Mr. Bledsoe said he had talked to some mechanical contractors in the Bonner county area, and one propane contractor, and they use Avista's code book so that's probably why they didn't respond. Mr. Corbell said if the Board goes to county option in legislation that will eliminate the pink areas on the map from contracting with adjoining jurisdictions. If the Board does not go to county option then the state's HVAC program will not work. Anything except green would be Division of Building Safety, HVAC inspectors.

Chairman Minegar explained to meeting attendees that the question is if we don't pick up some of these higher density areas to inspect then we can't afford the program. We can't send someone to Salmon because the high cost is prohibitive so there needs to be a lot of local inspections to help support the inspections in the outlying areas. The yellow areas have enforcement without certified inspectors so there's a decent chance they would become certified and maintain their programs. Those areas could decide to turn it over to the state, but we don't know that. Chairman Minegar pointed out that the pink areas are certainly viable areas and the white areas are places that we would definitely be inspecting.

Mr. Corbell said the other problem that will start next year would be when Avista and Intermountain Gas quit doing inspections. He doesn't know what that does to counties like Valley and Latah whether they're getting natural gas inspections from them or not. Ms. Alexander said Latah county performs their natural gas inspections. Mr. Brown said Valley county doesn't have natural gas. Mr. Corbell said a lot of those in the green areas, particularly down in the southern part of the state, don't perform their own gas inspections even though they have certified mechanical inspectors.

TASK FORCE ON  
COUNTY OPTION  
(CONTINUED)

Marsi Woody reminded the Board the idea for the task force was Jim Bledsoe's thought that it might benefit the Board and the Division of Building Safety to go around to the different counties and discuss county options. Ms. Alexander told the Board that as a county building official she wants to keep the right to perform the inspections with certified inspectors. She believes the legislation needs to speak to whether or not the jurisdiction contracts with the state for inspections; if they don't contract with the state they have to have certified mechanical inspectors. Mr. Corbell agrees and believes that's the way it should be presented to the Legislature. Ms. Alexander follows-up by saying if the goal is consistency throughout the state there has to be a basic rule, and if the Board is going to require journeymen to be certified to be licensed then the same must apply on the other side for inspections (certified inspectors). Latah county contracts with some of the small surrounding cities to do their building inspections because that allows those areas to say they have certified building inspectors. It costs the county money, but that's a decision the commissioners make and it provides consistency throughout the county.

Mr. Bledsoe said he believes the concern is most of the counties and cities don't even know this legislation is going on. While the Board has discussed talking to county commissioners, Mr. Bledsoe thinks they should talk to mayors and city councils also to let them know what's going on and see if they want us to do their inspections. The Board may be wasting their time if no one wants them to inspect or if we can't afford to inspect. The reason for the Task Force is to see just where we are in the state of Idaho and let people know that this is going on. It's scary to think about the number of contractors just in the Treasure Valley that don't know what's going on and the rumors that are out there from some of them that do know what's going on. Mr. Bledsoe believes the Board needs to educate the cities and the counties so they're aware of what's going instead of catching them off guard October 1st.

Mr. Corbell said Mr. Bledsoe has a good idea, but between now and the first of January when we have to come up with legislation we won't have time to get it done. The education is going to come with the piece of legislation with the county option that would basically exempt anyone that's in the green, but the rest of it would be pulled in under the state. Chairman Minegar wanted to know if we would be giving the areas who are performing inspections, but are not certified, the time to get certified. Mr. Corbell said with the county option they would have that option if they come up with their own certified inspectors they can opt out of the program. Mr. Graham said he thought it would be a very good idea if the Board sent a Task Force around to talk to all the county commissioners. If you can convince the county commissioners to train and get their own inspectors the cost to the homeowners and the builders will be less. Mr. Brown said he thought the Board should look into contacting the Association of Cities and the Association of Counties. He also thinks going around to the county commissioners would be tough to do.

Ted Hogander thinks the Board could proceed with the county option by allowing the counties that want to have a program and adopt their own to go ahead and do that. It's a matter of affordability for the Division of Building Safety and for the HVAC bureau as to whether or not they can afford to operate. It's possible that the areas that don't have certified inspectors will get them and start their own program. Mr. Hogander suggested that any one of the counties that has an opportunity will pay to have inspectors and that will leave the areas that don't pay to have an inspector and there is the affordability problem. Mr. Brown said Adams county neighbors his and he can't speak for them, but he thinks they and Washington county would let the state do the inspections as a lot of the small counties don't have the funding to hire extra people, or they have enough going on that they don't want to take inspections on.

TASK FORCE ON  
COUNTY OPTION  
(CONTINUED)

Mr. Munroe said he thought the Board needed to be consistent with the plumbing and electrical bureaus. Those bureaus do not state there is a county option. They inspect all the counties in the state. The cities have the option to opt out. If it comes down to county option and all the yellow and pink areas turn green then HVAC is left with the areas in white. Mr. Munroe's thought is that a request for proposal (RFP) would be sent out to see if there would be certified inspectors that would like to have a business that would be the inspecting personnel for the state. Then capital outlay money wouldn't be a problem (trucks, computers, etc.). That's a thought and that's probably what it's going to come down to because there's going to be a big fight. The state may end up inspecting a couple of the pinks, a couple of yellows and then the white areas where there's no building. Mr. Munroe said the legislation should be submitted as is and the answer will be taken care of for the Board by the Legislature. The Board could spend a lot of time going across the state talking with major cities and counties and then it's going to get to the legislature. Mr. Munroe said everyone has different ideas and they should be contacting their legislators, as the legislators are the ones who will decide.

Chairman Minegar said the Board is going for broke with plan A and there's a lot of risk involved. Mr. Munroe is talking about a plan B and Chairman Minegar thinks we need to have a Plan B in place. Chairman Minegar also said the Board still has laws that say licensing will begin July 1, 2004. Mr. Munroe said the draft legislation would move that start date to October 1, 2004, which he believes would happen once the Legislature is made aware of the timing problem.

Jerry Peterson asked if it would be possible for the Board to meet as the legislation moves forward to discuss changes taking place during the session and how the public may be involved. Ms. Manweiler pointed out that it's not going to be the Board's legislation. Mr. Munroe restated that it would be legislation from the same industry that brought forth the legislation that created the Board and the program. Ms. Manweiler said to a certain extent there wouldn't be a lot of option for input by the Board because as Mr. Munroe said it will happen rapidly and it is supposed to be representative of the industry. Mr. Corbell asked the Board what they wanted to do. Mr. Munroe said the Board could put out a RFP, but that doesn't mean they have to accept it. A RFP would allow the Board to see if there's anyone out there that would want to do the job.

Chairman Minegar said the Board needs to know what steps they're going to be able to take if the Legislature asks. Mr. Munroe said that's where the RFP's would come in. The Board could put out a RFP and no one could respond or the Board could put out a RFP and get two responses and that would give an idea of what it would cost for someone else to do the job. That might help with legislation. Mike Wisdom said he believes that's already going on in Ontario. The man who has that consulting firm does quotes over in that area and the Board might receive some response from his firm.

Mr. Corbell asked again if the Board wanted to do the county option. Chairman Minegar said the biggest problem is inspections are supposed to start October 1, 2004 and that's the difficulty of everything going here – the deadlines. Mr. Firkins said the Board has a set of statutes that's already been passed by the Legislature, there are rules the Board has already approved and sent forth and he thinks the Board needs to concentrate on trying to get the job done instead of trying to make excuses why nothing can get done. He also said the Board needs to look at plans to implement what we have. Ms. Alexander said that she thinks the county option will look very good to the counties that are colored green on the map and great to the counties colored pink because they can do it if they want. She said they probably wouldn't want to because they don't have certified inspectors, so they're going to contract with someone who already has that certification. If you offer them certified inspectors they'll probably take it.

TASK FORCE ON  
COUNTY OPTION  
(CONTINUED)

Mr. Bledsoe points out that Minidoka county doesn't do any inspections. Ada county (Meridian) is not certified so it's possible we could get Ada county. Even counties that are performing inspections may decide it would behoove them to have the state perform the inspections. Mr. Bledsoe thinks more people will opt in than say no.

Mr. Rayne said the map doesn't represent what the cities are doing. There are a lot of cities on the map that are doing their own enforcement and there's no way to indicate that they're doing their own enforcement on this particular map. Right now Meridian doesn't even have a certified building inspector doing their inspections, much less anyone doing mechanical inspections, but if they were given the option of having the state doing the inspections versus them contracting with someone else and splitting the money they would probably tell the state to go somewhere else. Mr. Rayne said that's the same situation that would happen if we have an opportunity for cities and counties to shop around and find who they would rather have do their inspections. If there were revenue that could come back to them by splitting the fees it would be icing on the cake. The building bureau sees that now with the contract building code inspection programs. They have a lot of jurisdictions where they handle the entire program for 90% of the permit fees based on the 1985 building code or maybe the 1997 building code fees and then the local jurisdiction gets 10% back. There are private individuals that will go to these same cities and counties and offer to do it for 85%. Then the building bureau gets a letter stating the city or county no longer wants the state to perform the building inspections. These same strategies will be used for mechanical inspections.

Mr. Munroe said the Division of Building Safety has to wait for the legislation if the Board is going to go with the county option. If the legislation passes, then we have to ramp up. The Division of Building Safety can't go out and hire until the Legislators have made their decisions. The draft legislation has a date of October 1, 2004 so you have to figure if they pass it, but not as an emergency (meaning it would go into effect as soon as the Governor signs) then the new legislation won't go into effect until July 1, 2004 and the Division of Building Safety will have to hire and be ready by October 1, 2004. Mr. Munroe said he can't hire when he doesn't know what he's hiring for. He doesn't want to hire people and then find out the Board will be a licensing board because he would then have to lay people off. Mr. Munroe thinks permitting needs to be moved to July 1, 2005. The Division of Building Safety needs time in the legislation. This is with the thought that they're going to pass the county option. There are plenty of legislators that are interested in passing that county option. Mr. Bledsoe asked if it was possible to move the permitting to October without a problem. Mr. Munroe said the draft legislation will have to be changed, but he can explain to the committee and then it would be up to them. Mr. Corbell asked if there were an emergency clause in the legislation would it make any difference?

Mr. Munroe said if the legislation went through in January or February then it would probably be okay, but if the Division of Building Safety had to wait for it to become effective until July 1, 2004 then there'll be trouble.

Mr. Corbell's concern is the people that are close to the issue will jump on the date changes and say the program never should have started to begin with. He said the other thing to remember is both Avista and Intermountain Gas want out of the inspection business. Mr. Munroe asked Mr. Corbell if he thought the legislators would pass the legislation quickly. Mr. Corbell said he thought they would with the backing of Intermountain Gas and Avista. He said the county option needs to be written so either the county has to do it or the state has to do it, thereby not leaving the option of contracting the work out. There was Board consensus that the legislation should be written accordingly. Chairman Minegar reiterated that Mr. Corbell is saying the legislation should be written to eliminate the option of subcontracting out the inspections.

IDAHO HVAC BOARD  
2004 MEETING  
SCHEDULE

Chairman Minegar led the discussion on dates for the Board to meet in 2004. Dates included January 29, 2004 in Meridian, Idaho; February 26, 2004 in Meridian, Idaho; May 19, 2004 in the Magic Valley or Eastern Idaho (to coincide with the Electrical and Plumbing Board meetings); July 15, 2004 in Meridian, Idaho; September 9, 2004 in Post Falls, Idaho (to coincide with the Plumbing Board meeting).

OLD BUSINESS

Mr. Graham asked about the Board's decision after the November 13, 2003 hearing on the proposed administrative rules. Chairman Minegar reported that the Board met on November 17, 2003 to discuss the comments made at the hearing regarding fees. The Board determined that a lot of meeting attendees were misreading the fee schedule. The Board put together an example and it was quite different from the example presented by attendees at the hearing. The Board's example amounted to about half the amount of the example presented at the hearing. Chairman Minegar also said that keeping in mind the administrative rules will be scrutinized by the Legislature and may be addressed by the Legislature, the Board chose to take no action to change the proposed rules. Other issues that were brought up at the hearing had to do with legislation and since the hearing was only for administrative rules the Board did not address those other issues during their November 17, 2003 meeting.

Mr. Bledsoe wanted to bring up again his concern over the wording in the rule regarding apprentices only working under constant on the job supervision of a certified HVAC journeyman. Mr. Bledsoe feels it will be tough for smaller businesses to employ apprentices as they won't be able to afford to send more than one person on a job and that person would have to be a journeyman. Mr. Munroe said the administrative rules have already been sent to committee so it wouldn't be possible to change them at this time. He also said Mr. Bledsoe could go to the committee and ask them to make that change when they're reviewing the rules. Mr. Graham said he agrees with Mr. Bledsoe that it's an unworkable situation. Mr. Munroe reiterated that a change could not be made at this time.

Gaylord Coyle wanted to know when the Board would be discussing the grandfather clauses. Chairman Minegar explained the Board had been discussing that for months and asked if Mr. Coyle had a particular question. Mr. Coyle wanted to know when it comes into effect. Shauna Wallace explained that the Docket link on HVAC's main web page is where Mr. Coyle could find the administrative rules containing the grand fathering information.

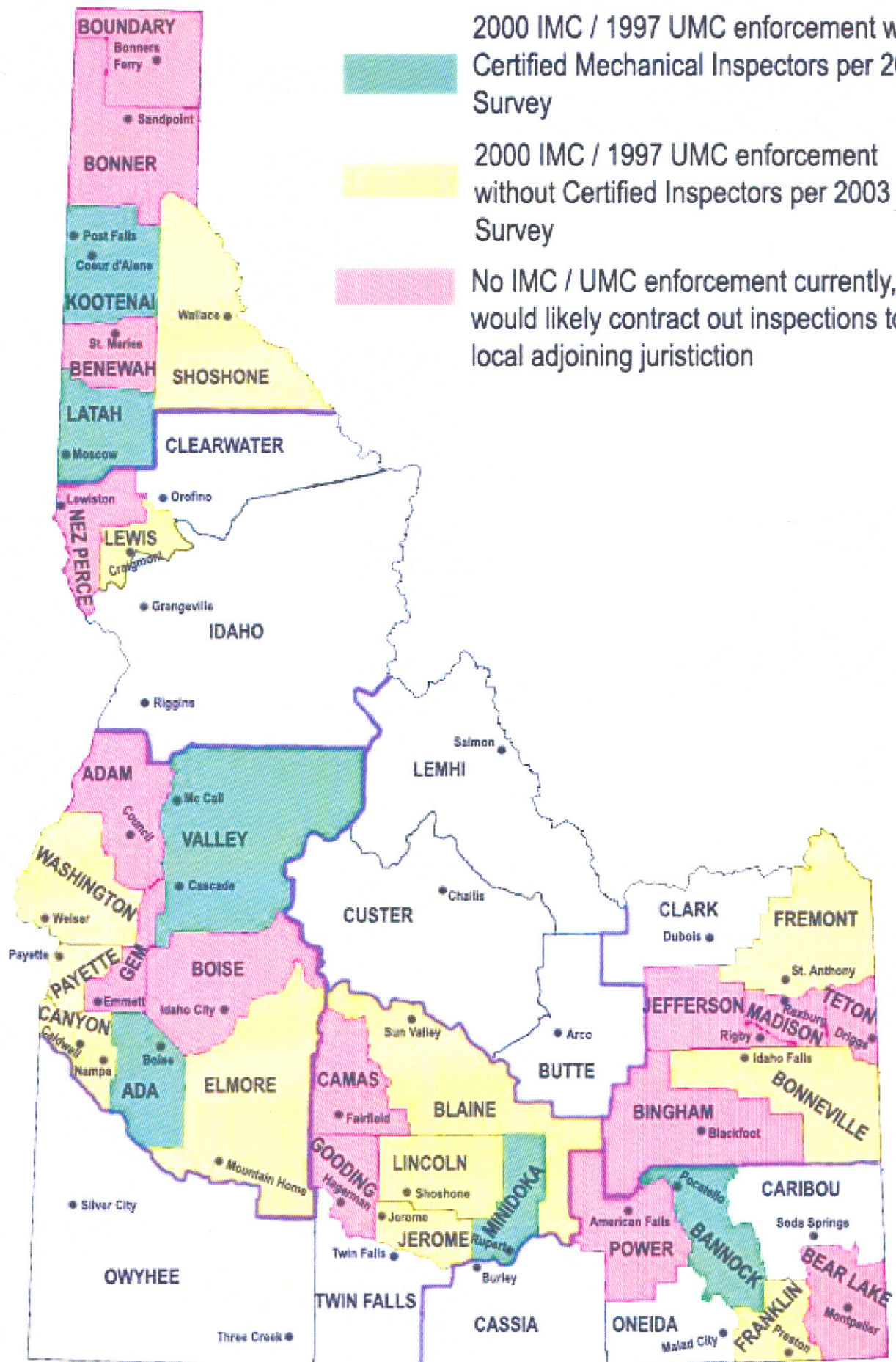
Mr. Firkins expressed his desire to receive the meeting minutes prior to the following meeting for reference.

ADJOURNMENT

The meeting was adjourned at 12:10 pm.

Respectfully submitted,  
Shauna Wallace





2000 IMC / 1997 UMC enforcement with  
Certified Mechanical Inspectors per 2003  
Survey

2000 IMC / 1997 UMC enforcement  
without Certified Inspectors per 2003  
Survey

No IMC / UMC enforcement currently, but  
would likely contract out inspections to  
local adjoining jurisdiction